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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation No.:

Sedgwick *et al.*

Group Art Unit:

Application Serial No.: 10/588,504

Examiner: Worley, C.K.

Filed: August 4, 2006

Attorney Docket No.: 015959.00015

For: Selection Markers Useful for Heterologous Protein Expression

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: December 1, 2006

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information item(s) listed on the attached Form PTO-SB08b. Unless otherwise indicated herein, one copy of each item(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the item(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date, OR (b) before the mailing date of a first Office Action on the merits in the present application, OR (c) accompanies a Request for Continued Examination. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).


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- ☐ c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information.
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- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ 4. The references were cited in a counterpart International Search Report. Copies of the references are not enclosed.

Respectfully submitted,

  
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Enclosures: PTO/SB/08b, 23 references



PTO/SB/08b (08-03)

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Form PTO/SB/08b				Substitute for form 1449B/PTO		Complete if Known	
				Application Number		10/588,504	
				Filing Date		August 4, 2006	
				First Named Inventor		Sedgwick	
				Art Unit			
				Examiner Name			
Sheet	1	of	2	Attorney Docket Number		015959-00015	
<b>NON PATENT LITERATURE DOCUMENTS</b>							
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T <sup>2</sup>
		"Toxins-Antitoxins: Plasmid Maintenance, Programmed Cell Death, and Cell Cycle Arrest," Hayes, <i>Science</i> , <b>301</b> , 2003, pp. 1496-1499					
		"Studies on plasmid stability, cell metabolism and superoxide dismutase production by P <sub>gk</sub> strains of <i>Saccharomyces cerevisiae</i> ," Ayub <i>et al.</i> , <i>Appl. Microbiol. Biotechnol.</i> , <b>37</b> , 1992, pp. 615-620.					
		"A novel leader peptide which allows efficient secretion of a fragment of human interleukin 1 $\beta$ in <i>Saccharomyces cerevisiae</i> ," Baldari <i>et al.</i> , <i>The EMBO Journal</i> , <b>6</b> (1); 1987, pp. 229-234					
		"Transformation of yeast by a replicating hybrid plasmid," Beggs, <i>Nature</i> , <b>275</b> , 1978, pp. 104-109					
		"Copy Number Modulation in an Autoselection System for Stable Plasmid maintenance in <i>Saccharomyces cerevisiae</i> ," Compagno <i>et al.</i> , <i>Biotechnol. Prog.</i> , <b>9</b> , 1993, pp. 594-599					
		"Selection of Yeast cells with a Higher Plasmid Copy Number in a <i>Saccharomyces cerevisiae</i> Autoselection System," Compagno <i>et al.</i> , <i>Yeast</i> , <b>12</b> , 1996, pp. 199-205					
		"Colocalization of sterol isomerase and sigma, receptor at endoplasmic reticulum and nuclear envelope level," Dussossoy <i>et al.</i> , <i>Eur. J. Biochem</i> , <b>263</b> , 1999, pp. 377-385					
		"The Presence of a Defective LEU2 Gene on 2 $\mu$ DNA Recombinant Plasmids of <i>Saccharomyces cerevisiae</i> Is Responsible for Curing and High Copy Number," Erhart <i>et al.</i> , <i>Journal of Bacteriology</i> , <b>156</b> (2), 1983, pp. 625-635					
		"Copy Number and the Stability of 2- $\mu$ m Circle-Based Artificial Plasmids of <i>Saccharomyces cerevisiae</i> ," Fitcher <i>et al.</i> , <i>Journal of Bacteriology</i> , <b>157</b> (1), 1984, pp. 283-290					
		"Comparison of three expression systems for heterologous xylanase production by <i>S. cerevisiae</i> in defined medium," Görgens <i>et al.</i> , <i>Yeast</i> , <b>21</b> , 2004, pp. 1205-1217					
		"Engineering Yeast for Efficient Cellulose Degradation," Van Rensburg <i>et al.</i> , <i>Yeast</i> , <b>14</b> , 1998, pp. 67-76					
		"An autoselection system in recombinant <i>Kluyveromyces lactis</i> enhances cloned gene stability and provides freedom in medium selection," Hsieh <i>et al.</i> , <i>Appl. Microbiol. Biotechnol.</i> , <b>49</b> , 1998, pp. 147-152					
		"High Level of Expression of a Protective Antigen of Schistosomes in <i>Saccharomyces cerevisiae</i> ," Loison <i>et al.</i> , <i>Yeast</i> , <b>5</b> , 1989, pp. 497-507					
		"Plasmid-Transformed URA3 Furi Double-Mutants of <i>S. cerevisiae</i> : An Autoselection System Applicable to the Production of Foreign Proteins," Loison <i>et al.</i> , <i>Bio/Technology</i> , <b>4</b> , 1986, pp. 433-437					
		"Enhancement of Cloned Gene Product Synthesis via Autoselection in Recombinant <i>Saccharomyces cerevisiae</i> ," Napp <i>et al.</i> , <i>Biotechnology and Bioengineering</i> , <b>41</b> , 1993, pp. 801-810					
		"When a glycolytic gene on a yeast 2 $\mu$ ORI-STB plasmid is made essential for growth its expression level is a major determinant of plasmid copy number," Piper <i>et al.</i> , <i>Current Genetics</i> , 1990, pp. 119-123					
		"Complementation of the <i>Saccharomyces cerevisiae</i> <i>srb1-1</i> mutation: an autoselection system for stable plasmid maintenance," Rech <i>et al.</i> , <i>Current Genetics</i> , <b>21</b> , 1992, pp. 339-344					
		"A new system for amplifying 2 $\mu$ m plasmid copy number in <i>Saccharomyces cerevisiae</i> ," Unternahrer <i>et al.</i> , <i>Molecular Microbiology</i> , <b>5</b> (6), 1991, pp. 1539-1548					
		"Co-expression of a <i>Phanerochaete chrysosporium</i> cellobiohydrolase gene and a <i>Butyrivibrio fibrisolvens</i> endo-beta-1,4-glucanase gene in <i>Saccharomyces cerevisiae</i> ," van Rensburg <i>et al.</i> , <i>Current Genetics</i> , <b>30</b> (3), 1996, pp. 246-250.					
		"Plasmid Stability During Continuous Culture in a <i>Saccharomyces cerevisiae</i> Double Mutant Transformed by a Plasmid Carrying a Eukaryotic Gene," Marquet <i>et al.</i> , <i>Biotechnology Letters</i> , <b>8</b> (8), 1986, pp. 535-540					
		"Engineering yeast for high level expression," Fleer, <i>Biotechnology</i> , <b>3</b> , 1992, pp. 486-496					
		"Double mutants of <i>Saccharomyces cerevisiae</i> harbour stable plasmids: stable expression of a eukaryotic gene and the influence of host physiology during continuous culture," Marquet <i>et al.</i> , <i>Journal of Biotechnology</i> , <b>6</b> , 1987, pp. 135-145					
		"Over-expression of the <i>Saccharomyces cerevisiae</i> <i>exo-<math>\beta</math>-1,3-glucanase</i> gene together with the <i>Bacillus subtilis</i> endo- $\beta$ -1,3,1,4-glucanase gene and the <i>Butyrivibrio fibrisolvens</i> endo- $\beta$ -1,4-glucanase gene in yeasts," van Rensburg <i>et al.</i> , <i>Journal of Biotechnology</i> , <b>55</b> , pp. 43-53 (1997)					
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